

## REMARKS

This amendment is in response to the Final Office Action of August 2, 2005. In the Office Action, the Examiner rejected claims 1-3, 6-12 and 15-22, all claims in the application.

The Examiner rejected claims 1-3, 6-12, 15-22 under 35 USC 103(c) as being unpatentable over *Sandberg et al.* '446.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicants submit that the cited reference does not teach or suggest the limitations of amended independent claims 1 and 10.

*Sandberg* describes a tooling for producing a molded patty having raised longitudinal ribs. *Sandberg* describes cavities of various shapes in a general sense but does not describe top and bottom sides of the cavities that are continuously curved in a manner free of flat segments. Each disclosed embodiment includes flat segments between adjacent ribs.

By shaping both the mold plate and the underlying and overlying plates to have a continuously curved top and bottom side, products having a substantial visual appearance of a conventional three dimensional food product can be formed. The products as molded can approximate a rounded vertical cross section by having curved perimeters in both the horizontal and vertical planes.

According to the invention, products that have a rounded cross section, which could not be formed by the heretofore known reciprocating mold plate, can be substantially approximated by a molded product having curvatures in the horizontal and vertical planes. A heretofore known rounded shape such as a sphere could not be molded and thereafter removed from a reciprocating mold plate due to its geometry. Unlike a disk shape that has straight vertical sidewalls, a sphere molded within a reciprocating mold plate, cannot be removed with a downward push, i.e., in order to form the sphere the mold plate provides no opening or clearance that can be used for the sphere to exit the cavity.

The present invention overcomes the problem by using a horizontal profile of the cavity opening being substantially continuously curved on both fore and aft sides and having straight vertical sidewalls, and a vertical profile of the cavity being curved along both top and bottom sides, projected in the longitudinal direction of reciprocation of the mold plate. It is true that this blending of the horizontal profile with the vertical profile produces sharp edges at the intersections of the profiles as seen in Figure 12 of the present specification, however, once cooked, the edges are substantially rounded, forming a substantially rotationally symmetrical cooked product. This is demonstrated by the attached product brochure for True-Sculpt® tooling which shows simulated chicken drumsticks molded from pressurized meat by tooling according to the invention, and depicted after being cooked.

Applicants submit that independent claims 1 and 10 distinguish *Sandberg* and claims 1-3, 6-12 and 15-22 should all be allowable.

The Examiner disregards important limitations in claims 19 and 20 that the formed product is substantially rotationally symmetrical. None of the general suggestions in *Sandberg* would lead one of skill in the art to duplicate the horizontal profile of the cavity with the vertical profile of the cavity in order to simulate a three dimensional product having a rotationally symmetrical rounded cross section.

Applicants' tooling solves a difficult problem in the molding of food products, that is, the problem of molding a rounded, natural shape with no significant flat spots, using a reciprocating mold plate, wherein the molded products can be knocked out of open cavities.

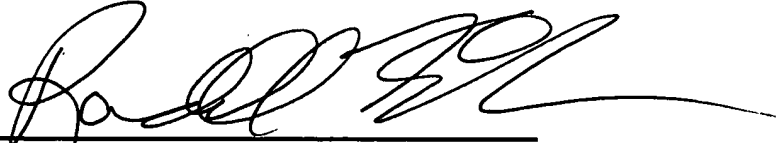
Such products include simulated chicken drumsticks and spherical meatballs. The shapes of these two products are not arbitrary or merely design choice. These product shapes are popular, consumer accepted shapes accounting for a significant percentage of American household dinners. Applicants' invention provides an ingenious arrangement wherein a conventional and popular food product can be molded using a high production, reciprocating-mold plate forming machine and can simulate realistically the original popular three-dimensional shapes of the popular food products.

Applicants submit that dependent claims 19 and 20 also describe a patentable invention and an important improvement over existing tooling for forming shaped food products.

Applicants submit that all claims are in condition for allowance and request issuance of the application.

Respectfully submitted,

By:

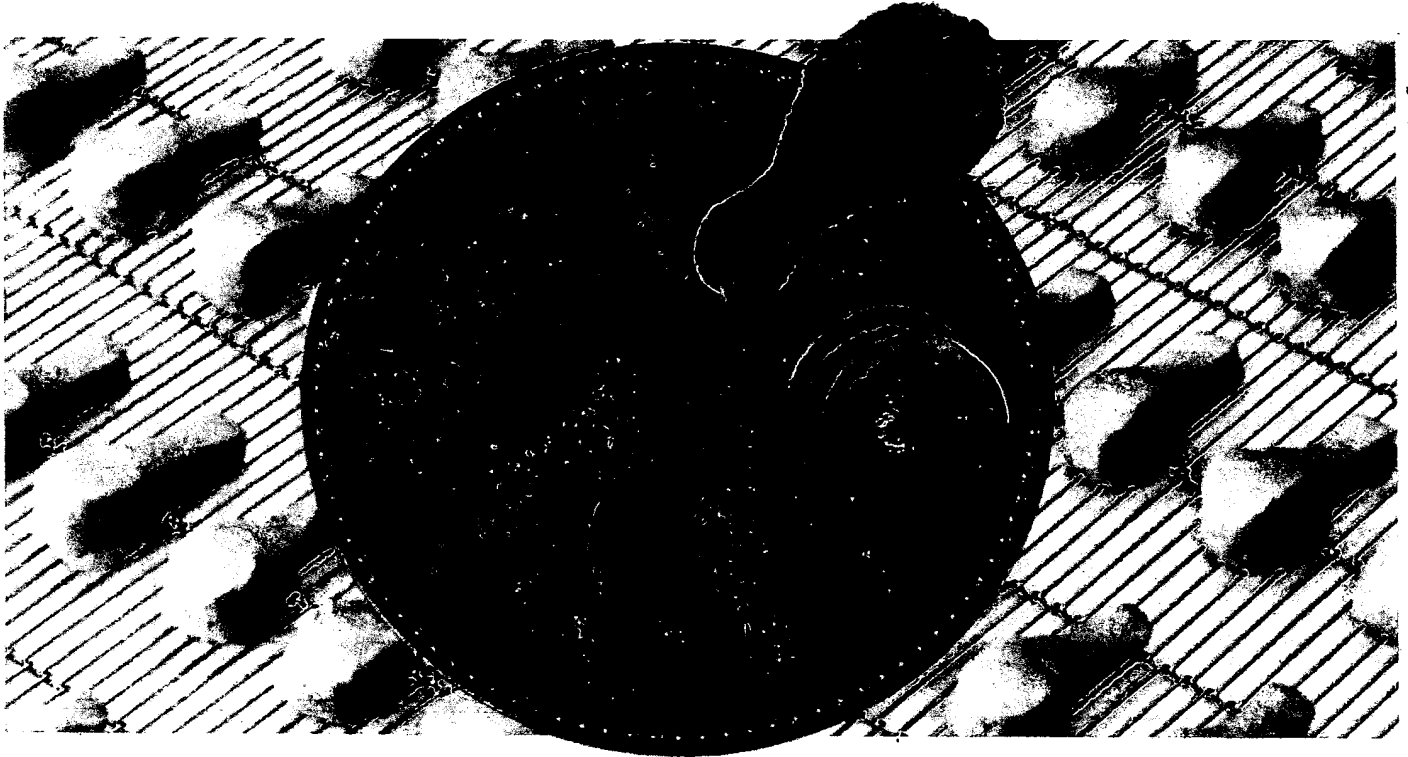
A handwritten signature in black ink, appearing to read 'Randall T. Erickson', written over a horizontal line.

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